

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Wednesday, January 21, 2004 the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner
Jay Stovall, Commissioner

APPEARANCE

Wayne Budt, Administrator
Transportation/Centralized Services Division

(16) In the matter of TN2206 - Mark L. Foos dba Northwest Passage, Billings, Montana requests permission to continue the lease of PSC No. 9332 to Silver Eagle Shuttle, Inc., Billings, Montana for a one year period, December 23, 2003 to December 23, 2004.

Commissioner Stovall moved to approve continuation of the lease of PSC No. 9332. Commissioner Brainard seconded the motion, which passed unanimously.

(17) In the matter of the approval of Commission Minutes; Commissioner Jergeson moved to approve the Commission Minutes for the week of January 12, 2004. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel

(18) In the matter of the Commission's discussion of MPSC v. Qwest - Docket No. BDV 2002-397 (PSC D2000.2.21):

Commissioner Brainard moved to follow staff recommendations to allocate \$10,000 to injured CLEC and \$90,000 to the general fund. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel, Mike Lee

(19) In the matter of the Commission's discussion of QCC Motion for Protective Order - Docket No. D2003.10.153;

Commissioner Schneider moved to grant the protective order to Qwest subject to future modification if necessary to comply with the Great Falls Tribune decision and that Qwest would be notified and given the opportunity to comment before any modifications are adopted. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator
Utility Division

(20) In the matter of the Commission's discussion of Qwest Triennial Review - Docket No. D2003.5.62;

Commissioner Schneider moved to approve the order closing Docket No. D2003.5.62 and include provisions to vacate the procedural order and all outstanding discovery, that all subpoenas be quashed, and that the PSC continue to monitor the multi-state collaborative forum regarding the batch hot cut process . Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel, Mike Lee

(21) In the matter of the Commission's discussion of Qwest Final Order - Docket No. D2002.7.87;

Commissioner Schneider moved to approve the final order in Docket No. D2002.7.87 with the editorial changes discussed. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel, Kim Moran

(22) In the matter of the Commission's discussion of Qwest Tariff Transmittal 03-30, Volume or Term Discounts - Docket No. N2003.10.149;

Commissioner Schneider moved to deny without prejudice the filing and provide the memo dated January 16, 2004 as guidance for possible refiling. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Robin McHugh, Kate Whitney, Eric Eck, Brady Williamson

(23) In the matter of the Commission's discussion of NWE Bankruptcy;

Commissioner Schneider moved to close the work session to discuss litigation, on the advice of counsel. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Schneider moved to accept the provisions of the proposed order concerning the incentive compensation and service plan. Commissioner Jergeson seconded the motion, which passed 4-1. Commissioner Stovall dissented.

APPEARANCE

Martin Jacobson, Dave Burchett

(24) In the matter of the Commission's discussion of Mountain Water Request for permission to deviate from tariff ;

Commissioner Schneider moved to approve the waiver with the provision that it not impact ratepayers.

Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation/Centralized Services Division

(25) In the matter of the Commission's discussion of Staff Travel/Budget;

Commissioner Brainard moved to authorize Marla Larson to attend the winter meetings. Commissioner Jergeson seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

Minutes.....January 19, 2004 -- 9:30 a.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, January 22, 2004 the following members were present:

Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner (via telephone)
Greg Jergeson, Commissioner
Jay Stovall, Commissioner

Commissioner Bob Rowe voted by proxy.

APPEARANCE

Martin Jacobson, Mike Lee

(26) In the matter of the Commission's discussion of NWE's '03 Avoided Cost Compliance Filing, Schedules QFLT-1 and STPP-1 - Docket No. D2003.7.86:

Commissioner Schneider moved to deny the objection without prejudice. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel, Mike Lee, Scott Fabel

(27) In the matter of the Commission's discussion of QCC request for reconsideration - Docket No. D2003.10.153;

Commissioner Schneider moved to reconsider denial of QCC interim and direct staff to draft an order granting QCC interim approval consistent with the "other common carrier" structure adopted for QLD, including language directing QCC to move to consistent statewide tariffs between affiliates. Commissioner Brainard seconded the motion which passed 4-1. Commissioner Jergeson dissented.

Minutes.....January 19, 2004 -- 9:30 a.m.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)